

APR 21 2006



**HAMRE, SCHUMANN,
MUELLER & LARSON, P.C.**
AN INTERNATIONAL INTELLECTUAL PROPERTY LAW FIRM

FAX TRANSMISSION April 21, 2006

TO: Mail Stop: AMENDMENT
Examiner: MENDEZ
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

FROM: Bryan A. Wong

OUR REF: 20043.4USD1

TELEPHONE: (612) 455.3800

Total pages, including cover letter: 4

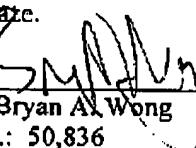
PTO FAX NUMBER: 571.273.8300

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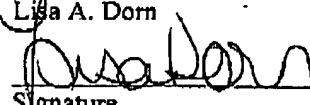
**Title of Document: COMMUNICATION IN RESPONSE TO PTO RESPONSE TO
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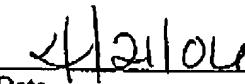
Applicant: KAPLAN
Serial No.: 10/002329
App. Filed: November 1, 2001
Group Art No.: 3763

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By: 
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Reg. No.: 50,836

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Lisa A. Dorn

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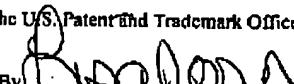
S/N 10/002329

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	KAPLAN ET AL.	Examiner:	M.A. MENDEZ
Serial No.:	10/002329	Group Art Unit:	3763
Filed:	November 1, 2001	Docket No.:	20043.0004USD1
Title:	METHODS AND APPARATUS FOR PERICARDIAL ACCESS		

CERTIFICATE UNDER 37 CFR 1.6(d):

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on April 21, 2006.

By 
Name: Lisa A. Dorn

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**COMMUNICATION IN RESPONSE TO
PTO RESPONSE TO AMENDMENT**

Dear Commissioner:

In response to the communication mailed March 23, 2006, Applicants respectfully request favorable consideration of the following comments.

The Amendment filed on December 28, 2005 by Applicants has been considered not fully responsive, because the Examiner requests clarification on the use of the phrase "penetrating structure" in the pending claims. It is contended that said phrase is not defined in the specification. Applicants respectfully disagree and submit that said language is supported in Applicants' disclosure, particularly in the specification and the drawings. For example, the specification describes a structure that is penetrated into a surface. Please see for example Applicants' specification at page 3, lines 27-31. The drawings further support this feature in Figures 5A-5F by showing the penetrating structure as penetrating elements 30. For at least the foregoing, Applicants respectfully submit that the language "penetrating structure" is fully supported by the present disclosure.

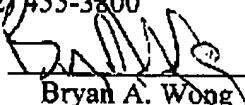
Applicants respectfully request favorable consideration of the above comments, and issuance of a Notice of Allowance for this case. If any further questions arise, the Examiner is invited to contact Applicants' representative at the number listed below.



Dated: April 21, 2006

Respectfully submitted,

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